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MAR 19 2019

Montana Water Court

**MONTANA WATER COURT, UPPER MISSOURI DIVISION
GALLATIN RIVER
BASIN 41H**

**ORDER DENYING UNITED STATES OF AMERICA'S
MOTION FOR EXTENSION**

On March 12, 2019, the United States submitted a Motion for Extension of Time in Which to File Objections to the Preliminary Decree in Basin 41H. To support its request for additional time, the United States cites the large interests of the Forest Service and numerous claims to which it intends to object in Basin 41H, the resources required to investigate claims for objections in other upcoming basins, staffing and resource constraints, and other active Water Court proceedings.

The Water Court may grant up to two ninety-day extensions of the objection deadline if a party has shown good cause for the request. § 85-2-233(2), MCA.

On January 28, 2019, the Water Court issued a Corrected Order Denying Request for Extension of Objection Period in Basin 76E (Basin 76E Order). The Basin 76E Order requires parties to identify unique obstacles that warrant the requested delay. The Water Court determined the moving party in Basin 76E did not show good cause for an extension because the reasons provided were “either too vague...or they [were] simply recitations of challenges faced by all water users.” Basin 76E Order at 4.

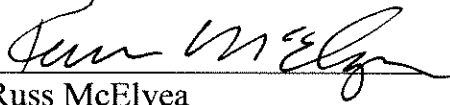
The circumstances described by the United States in this basin are not unique. Many water users are faced with limited resources to protect important property rights. The Water Court intends to issue nearly a dozen decrees this year. Litigants will need to efficiently allocate their time and resources as additional decrees are issued. Further

delays in the adjudication process are not justified simply because litigants face deadlines in multiple basins.

Moreover, recent issuance of a Preliminary Decree marks the second time the United States has had a chance to object to water rights in this basin. The first decree was issued September 26, 1985 and the United States filed objections to the claims in that decree. The United States has not shown good cause for an extension to be granted. Therefore, it is

ORDERED that the United States' Motion for Extension is denied.

DATED this 19th day of March, 2019.


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Chief Water Judge

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